

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: JUUL LABS, INC., MARKETING SALES
PRACTICE AND PRODUCTS LIABILITY
LITIGATION

3:19-md-02913 (WHO)

Hon. William H. Orrick

*This Document Relates to All Plaintiffs Identified in
Exhibits A, B, and C to JLI's Omnibus Motion to
Dismiss With Prejudice Non-Opt Out Plaintiffs'
Claims*

DECLARATION OF TIMOTHY S. DANNINGER

1. I, Timothy S. Danninger, am over eighteen years of age and am competent to testify to the facts stated herein. The facts set forth in this declaration are from my personal knowledge.

Plaintiffs Not Listed in Exhibit 1 to Counsel Certification Forms

2. The plaintiffs identified in **Exhibit A** to JLI's Omnibus Motion to Dismiss with Prejudice Non-Opt Out Plaintiffs' Claims have pending claims in this MDL action, all of which were filed on or before December 13, 2022.

3. All of the plaintiffs identified in **Exhibit A** were bound to comply with the processes outlined by CMO No. 16.

4. On January 20, 2023, BrownGreer provided JLI and PLC with an Excel spreadsheet containing 12,088 rows of potential plaintiffs who had been identified in Exhibit(s) 1 to the Counsel Certification Forms submitted to BrownGreer.

5. Importantly, because this spreadsheet served to aggregate all plaintiffs listed in each "Exhibit 1" to each law firm's Counsel Certification Form, the Parties and BrownGreer relied on this document to administer the settlement, including for purposes of tracking compliance with Settlement Processes, tracking Non-Communicating Plaintiffs, and tracking release submissions.

6. The plaintiffs identified in **Exhibit A** were not included in this spreadsheet because their counsel did not include them in Exhibit(s) 1 to the Counsel Certification Forms submitted to BrownGreer.

7. Despite having omitted the Exhibit A plaintiffs from their Counsel Certification forms, upon information and belief, counsel for Exhibit A Plaintiffs did not confer with the PLC and the parties' Special Master, Retired Judge Gail A. Andler on or before January 15, 2023, as required by CMO No. 16.

8. And, while some Exhibit A Plaintiffs submitted Plaintiff Fact Sheets, upon information and belief, no counsel for any Exhibit A Plaintiff certified that his or her client had elected not to participate in the settlement following receipt of Informed Consent Letters or conferred with Judge Andler by April 14, 2023, as CMO No. 16 required.

9. The plaintiffs identified in **Exhibit A** were not included in the spreadsheet provided by BrownGreer—and JLI and the PLC did not account for these plaintiffs as part of Settlement Processes—because they were not part of the Settlement Program.

10. Having failed to register with BrownGreer, the plaintiffs identified in **Exhibit A** were not accepted into the Settlement Program. They therefore did not settle with JLI or the JLI Settling Defendants, did not opt out of the settlement, and were not rendered or identified as Non-Communicating Plaintiffs under the terms of the Settlement Agreement.

Settling Plaintiffs Who Have Failed to Dismiss Their Claims With Prejudice

11. Payment of the Initial Personal Injury Settlement Amount was made on October 27, 2023.

12. Pursuant to the Personal Injury Settlement Agreement, Settling Plaintiffs were required to dismiss their claims no later than November 17, 2023.

13. The Settling Plaintiffs identified in **Exhibits B** and **C** to JLI's Omnibus Motion to Dismiss with Prejudice Non-Opt Out Plaintiffs' Claims have executed Releases and, pursuant to the terms of the Settlement Agreement, released any and all claims they have or may have in the future against JLI and the JLI Settling Defendants.

14. The Settling Plaintiffs identified in **Exhibit C** had two or more causes of action against JLI and the JLI Settling Defendants pending in either the MDL or JCCP.

15. The Settling Plaintiffs identified in both **Exhibits B** and **C** were required to dismiss their claims against JLI and the JLI Settling Defendants with prejudice on or before November 17, 2023.

16. As of April 14, 2025, the Settling Plaintiffs identified in **Exhibits B** and **C** to this Motion have failed to properly dismiss all claims against JLI and the JLI Settling Defendants.

